

REMARKS/ARGUMENTS

Status of the Claims

Claims 1-38 are currently pending in the application. Claims 22-26 are withdrawn. Claims 1, 12, 15, 16, 27, 28, and 31 have been amended. No claims have been added. No claims have been cancelled. Therefore, claims 1-21 and 27-38 are present for examination. Claims 1, 15, 16, and 27 are independent claims.

Rejection under 35 U.S.C. § 112

Claims 1, 15, 16 and 27 have been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Applicants submit that claims 1, 15, 16 and 27 have been amended to overcome this rejection. Support for these amendments can be found throughout the specification, for example, at page 6, paragraphs 0022 and 0023, page 8, paragraph 0029, page 11, paragraph 0038, and page 15, paragraph 0048. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Rejection under 35 U.S.C. § 102

Claims 1, 4, 6, 8-15, 27, 30 and 33-38 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2005/0247777 A1 issued to Pitroda ("Pitroda").

Applicants respectfully submit that the apparatus in Pitroda significantly differs from the process of the present claims. Specifically, claim 1, and similarly, claims 15, 16, and 27 recite that a "credential is a universal debit transaction processing mechanism which allows the customer to interface with the plurality of accounts each with a different account type." In contrast, Pitroda discloses a universal electronic transaction (UET) card which a sales person connects to a communications interface unit (CIU) which is connected to a point of sale terminal. To initiate the transaction, the sales person enters the appropriate command on the keyboard on the CIU. (see Pitroda at page 9, paragraph 0099). The apparatus in Pitroda is a physical card with a speaker, LED, electrical contact, display, etc. (see FIG. 1). Further, the card must be

connected to a special terminal, which is then connected to a POS device. In contrast, claim 1's universal debit transaction processing mechanism is not embodied in a physical card or similar medium which requires a physical connection to an external device. Instead, claim 1 recites a process which allows a user to interface with the plurality of accounts each with a different account type, without the need of a physical card or device. Accordingly, Applicants submit that claims 1, 15, 16, and 27 are patentable over Pitroda. Thus, Applicants respectfully request that this rejection be withdrawn.

Furthermore, claims 2-14, 17-21, 28-38 depend from one of claims 1, 15, 16, and 27, and therefore are believed to be allowable over Pitroda at least by virtue of their dependence from allowable base claims.

Rejection under 35 U.S.C. § 103, Pitroda in view of Linehan

Claims 2-3, 5, 7, 16-19, 28-29 and 31-32 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Pitroda in view of U.S. Patent No. 6,327,578 B1 issued to Linehan ("**Linehan**").

Linehan discloses that a "merchant can *divide a payment* into two or more portions that are separately authorized and settled, without consumer interaction." (Linehan at col. 12, lines 53-56; emphasis provided). In contrast, claim 16 recites "determining...an *apportionment of the cost* to apply to each of the plurality of accounts" (emphasis provided), where the cost is the cost of the financial transaction between the merchant and the customer. Applicants respectfully submit that a payment is not a cost. A payment is specifically an amount of funds required to purchase an item, whereas a cost is the cost of completing the transaction (e.g., processing fee, shipping fee, handling fee, service fee, etc.). Accordingly, Linehan divides the payment, possibly for reoccurring payments, monthly payments, payments by two or more buyers/customers, etc., while claim 16 divides the "cost" of the transaction between the merchant and the customer. Certainly, the payment would not be divided between the merchant and the customer, the merchant would not be paying for a portion of the item which he/she has sold to the customer. Thus, for at least this reason, in addition to the reasons stated above with respect

Appl. No. 10/825,950
Amtd. dated December 9, 2008
Reply to Office Action of September 22, 2008

PATENT

to Pitroda, Applicants submit that claim 16 is patentable over Pitroda in view of Linchan.

Accordingly, Applicants respectfully request that this rejection be withdrawn.

Furthermore, claims 2-3, 5, 7, 17-19, 28-29 and 31-32 depend from one of claims 1, 15, 16, and 27 and therefore are believed to be allowable over Pitroda in view of Linchan at least by virtue of their dependence from allowable base claims.

Rejection under 35 U.S.C. § 103, Pitroda in view of Cohen

Claims 20 and 21 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Pitroda in view of U.S. Patent No. 6,422,462 B1 issued to Cohen ("Cohen").

Claims 20 and 21 depend from claim 16 and therefore are believed to be allowable over Pitroda in view of Cohen at least by virtue of their dependence from an allowable base claim.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. Applicants do not acquiesce to any argument not specifically addressed herein. Rather, Applicants believe the present amendments and argument overcome all rejections.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

/Charles W. Gray/
Charles W. Gray
Reg. No. 61,345

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
CWG:s5s
61702874 v1